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7 Attorney for Plaintiff  
8 MICHEL GELINAS

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 MICHEL GELINAS, an individual,  
12  
13 Plaintiff,

14 vs.

15 THE BERGQUIST COMPANY, a Minnesota  
16 corporation, and DOES 1 – 20, inclusive,  
17 Defendants.

Case No.: C-08-02137 PVT

**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF PLAINTIFF'S MOTION TO  
REMAND TO STATE COURT**

18  
19 Pursuant to Federal Rule of Evidence 201, Plaintiff Michel Gelinas hereby requests that the  
20 court take judicial notice of the following in ruling on his motion to remand this matter to the  
21 Superior Court:

22 1. The returned and executed summons in, *The Berquist Co. v. Michel Gelinas*, United  
23 States District Court District of Minnesota File No. 08CV569DWFIAJB, filed on May 29, 2008,  
24 which appears as item number 4 on that court's docket. A true and correct copy of this document is  
25 attached hereto as Exhibit A.  
26  
27  
28

1 DATED: July 15, 2008

Respectfully submitted,

2 NIXON PEABODY LLP

3  
4  
5 By: /s/ Lisa M. Chapman  
6 Lisa M. Chapman  
7 Attorneys for Plaintiff  
8 MICHEL GELINAS  
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# EXHIBIT A

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UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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The Bergquist Company,

Plaintiff,

v.

Michel Gelinas,

Defendant.  
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File No. 08CV569  
DWF/ASB

**SUMMONS**

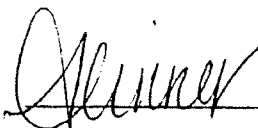
TO: THE ABOVE-NAMED DEFENDANT:

You are hereby summoned and required to serve upon Bruce J. Douglas, of Larkin Hoffman Daly & Lindgren Ltd., Plaintiff's attorneys, whose address is 1500 Wells Fargo Plaza, 7900 Xerxes Avenue South, Minneapolis, Minnesota 55431, an answer to the complaint which is herewith served upon you within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken upon you for the relief demanded in the complaint.

Dated: FEB 2 9 2008

1187441.1

DAVID L. LUTTEN  
Clerk of Court



Deputy Clerk



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Re: 25414-23

**STATE OF CALIFORNIA**

**COUNTY OF SANTA CLARA**

**AFFIDAVIT OF SERVICE**

Robert T. Dillon, being duly sworn, on oath says that on  
(Name of Server)

05 / 13 /2008 at 07:24 A M  
(Date of Service) (Time of Service)

s(he) served the attached: Summons & Complaint

upon: Michel Gelinas

therein named, personally at: 2380 Dryden Avenue  
Gilroy, CA 95020

by handling to and leaving with:

- [ ☒ ] Michel Gelinas  
[ ] a person of suitable age and discretion then and there residing at the usual abode  
of said, Michel Gelinas

(Name of the Person with whom the documents were left)

(Title or Relationship)

a true and correct copy thereof.

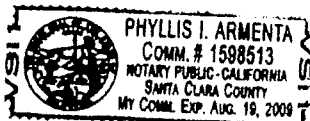
Subscribed and Sworn to before me

/ /2008.

Robert T. Dillon  
(Signature of Server)

(Signature of Notary)

State of California, County of Santa Clara  
Subscribed and sworn to (or affirmed) before me on this  
27 day of May, 2008, by Robert T. Dillon  
personally known to me or proved to me on the basis  
of satisfactory evidence to be the person(s) who  
appeared before me. Phyllis I. Armenta  
(Signature of Notary)



\* Service was completed by an independent contractor retained by Metro Legal Services, Inc.

Metro Legal Services, Inc.  
330 2nd Avenue South, Suite 150, Minneapolis, MN 55401  
T (612) 332-0202 or (800) 488-8994 F (612) 332-5215